



Statement by Senator Feinstein in Opposition to NRA's Gun Liability Bill July 26, 2005

Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) today reaffirmed her opposition to legislation to block lawsuits against reckless gun dealers. The following is a statement by Senator Feinstein:

"The fact that the Senate Majority Leader moved a needless gun liability bill onto the Senate floor before concluding debate on the Defense Authorization Bill or scheduling consideration of the USA Patriot Act demonstrates a misplaced sense of priorities. To me, strengthening our homeland security through passage of the Patriot Act and ensuring the welfare and safety of our troops should be the first and foremost items before the Senate. The decision to move first to the gun liability bill shows the immense power of the gun lobby, pure and simple.

The President has said the Patriot Act is his top priority and is critical for protecting our nation against terrorism. But the NRA has been able to place its legislation at the top of the Senate's agenda.

I think we have to recognize that guns are responsible for the deaths of 30,000 Americans a year and we should question whether the gun industry should receive sweeping and unprecedented protection from the type of lawsuits that are available to every other victim involving every other industry in America.

No other business in America has that kind of protection. I find it highly offensive. It is a real insult, and the people who are going to pay for this are gun victims.

The gun lobby is the most effective lobby in Washington. They are very skilled at going after members from small states and you will find that most of the votes in favor of this are from Senators representing small states. For me, it's a vote that defies common sense.

What will this gun liability bill do? First and foremost, it will provide immunity to gun manufacturers and sellers whose negligence leads to a person being hurt by a gun. In essence it will permit one class of American industry to act negligently and not being held accountable for its actions.

Why it is so bad?

- It is a 'substantial and radical departure from traditional principles of American tort law' (According to a letter from more than 50 law professors opposing the bill, a copy of which is available on request). It is basic to our system of law that everybody is responsible for the foreseeable consequences of their actions, and if that action is negligent and leads to a third-party causing harm, the negligent party is responsible for damages.

- It is a give-away to a single industry. Freeing one segment of American commerce from the rules that cover everybody else, will result in a windfall to that industry because they don't have to bear the costs of running their business in a reasonable manner. Worse, this windfall comes directly from the pockets of victims of gun violence.
- It is a solution in search of a problem. There is no data showing that lawsuits (frivolous or otherwise) of the type which would be blocked by this law have any real impact on the ability of the gun industry to maintain a reasonable level of profit. Nor does their data show any high incidence of frivolous lawsuits in the first place.
- It leaves innocent victims without a remedy. When a gun manufacturer or seller acts negligently, and that results in a criminal getting hold of a gun and killing somebody, the victim is left without a remedy – he or she is dead or injured as a direct result of the negligence of the seller (along with the criminal action of the shooter) and has no recourse to hold the negligent party accountable.

I am opposed to moving to this bill ahead of the Patriot Act and other important legislation. And if the Senate does move to this bill, I intend to offer at least one amendment, which would put dangerous and destructive .50 caliber military sniper rifles in the same category as weapons such as machine guns and sawed-off shotguns.

These extremely powerful sniper rifles are powerful enough to bring down airplanes and can fire a bullet a mile and penetrate a brick wall. They are for sale virtually anywhere, even at gun shows with no background checks. If this bill passes, these potential terrorist weapons would continue to be for sale with virtual blanket liability protection.”

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